

REMARKS/ARGUMENTS

After the foregoing Amendment, claims 1, 2, 4, 5, 13 and 14 are currently pending in this application. Claims 3 and 6-12 have been canceled without prejudice or disclaimer. Claims 1, 2, 4 and 5 have been amended, and claims 13 and 14 have been newly added to more distinctly claim subject matter which the Applicants regard as the invention. The Applicants submit that no new matter has been introduced into the application by these amendments.

Double Patenting Rejection

Claims 1, 4 and 18[sic] are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 4, 6, 7, 10 and 11 of U.S. Patent No. 6,909,901. A Terminal Disclaimer is submitted herewith to overcome a potential nonstatutory obviousness-type double patenting rejection. The withdrawal of the nonstatutory obviousness-type double patenting rejection is respectfully requested.

Claim Rejections - 35 USC §103(a)

Claims 1-12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ward et al. (U.S. Patent No. 5,701,294) in view of Hashem et al. (U.S. Patent No. 6,721,569).

Claims 1, 2, 4 and 5 have been amended, and new claims 13 and 14 have been added, to more distinctly claim subject matter which the Applicants regard as the invention.

In accordance with the present invention, a wireless digital communication system includes a base station and a plurality of user equipment mobile terminals (UEs). The system prioritizes the forwarding of blocks of downlink data. A first

subset of the UEs have pending downlink transmissions and a second subset of the UEs do not have pending downlink transmissions. The base station receives blocks of downlink data for distribution to designated ones of the plurality of UEs in the first subset. The base station transmits to each of the designated UEs in the first subset a request to begin downlink channel quality measurements. The base station does not transmit a request to begin downlink channel quality measurements to the UEs in the second subset due to not having pending downlink transmissions. Each of the designated UEs in the first subset perform channel quality measurements and transmit the results of the downlink channel quality measurements to the base station. The UEs in the second subset do not perform channel quality measurements because they did not receive a request to begin channel quality measurements from the base station due to not having pending downlink transmissions. The base station establishes a priority for the designated UEs in the first subset based on the results of the downlink channel quality measurements, and transmits an allocation signal to each of the designated UEs in the first subset. Each of the designated UEs in the first subset set up transmission parameters in response to the allocation signal, and the base station transmits the downlink data to the designated UEs in the first subset in accordance with the established priority.

Neither of Ward and Hashem, alone or in combination, teach or suggest restricting the transmission of channel quality measurement requests to only those UEs that have pending downlink transmissions. The present invention uses this technique in order to avoid unnecessary channel quality measurements performed by the UEs and also avoid unnecessary channel quality measurement requests transmitted by the base station.

Applicant: Terry et al.
Application No.: 10/768,312

Based on the arguments presented above, the withdrawal of the rejection under 35 U.S.C. 103(a) is respectfully requested.

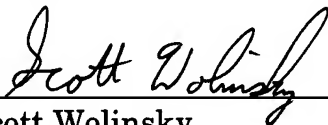
Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application, including claims 1, 2, 4, 5, 13 and 14, is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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SW/bbf
Enclosure